

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5290

66th Legislature
2019 Regular Session

Passed by the Senate April 28, 2019
Yeas 25 Nays 24

President of the Senate

Passed by the House April 27, 2019
Yeas 55 Nays 42

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5290** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5290

AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

State of Washington **66th Legislature** **2019 Regular Session**

By Senate Ways & Means (originally sponsored by Senators Darneille, Wellman, Kuderer, Randall, Palumbo, Das, Hasegawa, McCoy, Nguyen, Saldaña, and Wilson, C.)

READ FIRST TIME 03/01/19.

1 AN ACT Relating to eliminating the use of the valid court order
2 exception to place youth in detention for noncriminal behavior;
3 amending RCW 7.21.030, 7.21.030, 7.21.030, 71.21.030, 13.32A.250,
4 13.32A.250, 13.32A.250, 13.32A.150, 13.34.165, 13.34.165,
5 28A.225.090, 28A.225.090, 43.185C.260, 43.185C.265, and 2.56.032;
6 adding a new section to chapter 7.21 RCW; creating a new section;
7 repealing RCW 43.185C.270; repealing 1998 c 296 s 35 (uncodified);
8 providing effective dates; and declaring an emergency.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10 NEW SECTION. **Sec. 1.** (1) The legislature finds that it is a
11 goal of our state to divert juveniles who have committed status
12 offenses, behaviors that are prohibited under law only because of an
13 individual's status as a minor, away from the juvenile justice system
14 because a stay in detention is a predictive factor for future
15 criminal justice system involvement. The legislature finds that
16 Washington has been using the valid court order exception of the
17 juvenile justice and delinquency prevention act, a loophole in
18 federal law allowing judges to detain status offenders for disobeying
19 court orders, more than any other state in the country. The
20 legislature finds that use of the valid court order exception to
21 detain youth for acts like truancy, breaking curfew, or running away

1 from home is counterproductive and may worsen outcomes for at-risk
2 youth.

3 (2) The legislature further finds that these youth should not be
4 confined with or treated with the same interventions as criminal
5 offenders. The legislature also finds that studies show a
6 disproportionality in race, gender, and socioeconomic status of youth
7 referred to courts or detained, or both. Likewise, the legislature
8 finds that community-based interventions are more effective at
9 addressing underlying causes of status offenses than detention and
10 can reduce court caseloads and lower system costs. As a result, it is
11 the intent of the legislature to strengthen and fund community-based
12 programs that are culturally relevant and focus on addressing
13 disproportionality of youth of color, especially at-risk youth.

14 (3) The legislature finds that appropriate interventions may
15 include secure, semi-secure, and nonsecure out-of-home placement
16 options, community-based mentoring, counseling, family
17 reconciliation, behavioral health services, and other services
18 designed to support youth and families in crisis and to prevent the
19 need for out-of-home placement. The legislature recognizes that in
20 certain circumstances, a court may find pursuant to this act that
21 less restrictive alternatives to secure confinement are not available
22 or appropriate and that clear, cogent, and convincing evidence
23 requires commitment to a secure residential program with intensive
24 wraparound services. The legislature intends to expand the
25 availability of such interventions statewide by July 1, 2023.

26 NEW SECTION. **Sec. 2.** A new section is added to chapter 7.21 RCW
27 to read as follows:

28 (1) It is the policy of the state of Washington to eliminate the
29 use of juvenile detention as a remedy for contempt of a valid court
30 order for youth under chapters 13.34 and 28A.225 RCW and child in
31 need of services petition youth under chapter 13.32A RCW.

32 (a) Beginning July 1, 2020, youth may not be committed to
33 juvenile detention as a contempt sanction under chapter 13.34 RCW,
34 and a warrant may not be issued for such youth for failure to appear
35 at a court hearing that requires commitment of such youth to juvenile
36 detention.

37 (b) Beginning July 1, 2020, youth may not be committed to
38 juvenile detention as a contempt sanction for child in need of
39 services proceedings under chapter 13.32A RCW, and a warrant may not

1 be issued for such youth for failure to appear at a court hearing
2 that requires commitment of such youth to juvenile detention.

3 (c) Beginning July 1, 2021, youth may not be committed to
4 juvenile detention as a contempt sanction for truancy proceedings
5 under chapter 28A.225 RCW, and a warrant may not be issued for such
6 youth for failure to appear at a court hearing that requires
7 commitment of such youth to juvenile detention.

8 (2)(a) It is also the policy of the state of Washington to
9 entirely phase out the use of juvenile detention as a remedy for
10 contempt of a valid court order for at-risk youth under chapter
11 13.32A RCW by July 1, 2023. After this date, at-risk youth may not be
12 committed to juvenile detention as a contempt sanction under chapter
13 13.32A RCW, and a warrant may not be issued for failure to appear at
14 a court hearing that requires commitment of the at-risk youth to
15 juvenile detention.

16 (b) Until July 1, 2023, any at-risk youth committed to juvenile
17 detention as a sanction for contempt under chapter 13.32A RCW, or for
18 failure to appear at a court hearing under chapter 13.32A RCW, must
19 be detained in such a manner so that no direct communication or
20 physical contact may be made between the youth and any youth who is
21 detained to juvenile detention pursuant to a violation of criminal
22 law, unless these separation requirements would result in a youth
23 being detained in solitary confinement.

24 (c) After July 1, 2023, at-risk youth may be committed to a
25 secure residential program with intensive wraparound services,
26 subject to the requirements under RCW 13.32A.250, as a remedial
27 sanction for contempt under chapter 13.32A RCW or for failure to
28 appear at a court hearing under chapter 13.32A RCW.

29 **Sec. 3.** RCW 7.21.030 and 2001 c 260 s 6 are each amended to read
30 as follows:

31 (1) The court may initiate a proceeding to impose a remedial
32 sanction on its own motion or on the motion of a person aggrieved by
33 a contempt of court in the proceeding to which the contempt is
34 related. Except as provided in RCW 7.21.050, the court, after notice
35 and hearing, may impose a remedial sanction authorized by this
36 chapter.

37 (2) If the court finds that the person has failed or refused to
38 perform an act that is yet within the person's power to perform, the

1 court may find the person in contempt of court and impose one or more
2 of the following remedial sanctions:

3 (a) Imprisonment if the contempt of court is of a type defined in
4 RCW 7.21.010(1) (b) through (d). The imprisonment may extend only so
5 long as it serves a coercive purpose.

6 (b) A forfeiture not to exceed two thousand dollars for each day
7 the contempt of court continues.

8 (c) An order designed to ensure compliance with a prior order of
9 the court.

10 (d) Any other remedial sanction other than the sanctions
11 specified in (a) through (c) of this subsection if the court
12 expressly finds that those sanctions would be ineffectual to
13 terminate a continuing contempt of court.

14 (e) (i) In cases under chapters 13.32A, 13.34, and 28A.225 RCW and
15 subject to the requirements under RCW 13.32A.250 and 28A.225.090,
16 commitment to juvenile detention for a period of time not to exceed
17 ((seven days)) seventy-two hours, excluding Saturdays, Sundays, and
18 holidays. The seventy-two hour period shall commence upon the next
19 nonholiday weekday following the court order and shall run to the end
20 of the last nonholiday weekday within the seventy-two hour period.
21 This sanction may be imposed in addition to, or as an alternative to,
22 any other remedial sanction authorized by this chapter. This remedy
23 is specifically determined to be a remedial sanction.

24 (ii) Prior to committing any youth to juvenile detention as a
25 sanction for contempt under chapter 13.32A, 13.34, or 28A.225 RCW, or
26 for failure to appear at a court hearing under chapter 13.32A, 13.34,
27 or 28A.225 RCW, the court must:

28 (A) Consider, on the record, the mitigating and aggravating
29 factors used to determine the appropriateness of detention for
30 enforcement of its order;

31 (B) Enter written findings affirming that it considered all less
32 restrictive options, that detention is the only appropriate
33 alternative, including its rationale and the clear, cogent, and
34 convincing evidence used to enforce the order;

35 (C) Afford the same due process considerations that it affords
36 all youth in criminal contempt proceedings; and

37 (D) Seek input from all relevant parties, including the youth.

38 (iii) Detention periods for youth sanctioned to juvenile
39 detention for contempt under chapter 13.32A, 13.34, or 28A.225 RCW,

1 or for failure to appear at a court hearing under chapter 13.32A,
2 13.34, or 28A.225 RCW, shall be:

3 (A) No more than seventy-two hours, regardless of the number of
4 violations being considered at the hearing; and

5 (B) Limited to no more than two sanctions, up to seventy-two
6 hours each, in any thirty-day period.

7 (iv) Nothing in this subsection (2)(e) or in RCW 13.32A.250,
8 13.34.165, or 28A.225.090 shall be construed to limit the court's
9 inherent contempt power or curtail its exercise.

10 (3) The court may, in addition to the remedial sanctions set
11 forth in subsection (2) of this section, order a person found in
12 contempt of court to pay a party for any losses suffered by the party
13 as a result of the contempt and any costs incurred in connection with
14 the contempt proceeding, including reasonable attorney's fees.

15 (4) If the court finds that a person under the age of eighteen
16 years has willfully disobeyed the terms of an order issued under
17 chapter 10.14 RCW, the court may find the person in contempt of court
18 and may, as a sole sanction for such contempt, commit the person to
19 juvenile detention for a period of time not to exceed seven days.

20 **Sec. 4.** RCW 7.21.030 and 2019 c ... s 3 (section 3 of this act)
21 are each amended to read as follows:

22 (1) The court may initiate a proceeding to impose a remedial
23 sanction on its own motion or on the motion of a person aggrieved by
24 a contempt of court in the proceeding to which the contempt is
25 related. Except as provided in RCW 7.21.050, the court, after notice
26 and hearing, may impose a remedial sanction authorized by this
27 chapter.

28 (2) If the court finds that the person has failed or refused to
29 perform an act that is yet within the person's power to perform, the
30 court may find the person in contempt of court and impose one or more
31 of the following remedial sanctions:

32 (a) Imprisonment if the contempt of court is of a type defined in
33 RCW 7.21.010(1) (b) through (d). The imprisonment may extend only so
34 long as it serves a coercive purpose.

35 (b) A forfeiture not to exceed two thousand dollars for each day
36 the contempt of court continues.

37 (c) An order designed to ensure compliance with a prior order of
38 the court.

1 (d) Any other remedial sanction other than the sanctions
2 specified in (a) through (c) of this subsection if the court
3 expressly finds that those sanctions would be ineffectual to
4 terminate a continuing contempt of court.

5 (e)(i) In at-risk youth petition cases only under chapter(~~(s)~~)
6 13.32A(~~(, 13.34,)~~) RCW and in cases under chapter 28A.225 RCW and
7 subject to the requirements under RCW 13.32A.250 and 28A.225.090,
8 commitment to juvenile detention for a period of time not to exceed
9 seventy-two hours, excluding Saturdays, Sundays, and holidays. The
10 seventy-two hour period shall commence upon the next nonholiday
11 weekday following the court order and shall run to the end of the
12 last nonholiday weekday within the seventy-two hour period. This
13 sanction may be imposed in addition to, or as an alternative to, any
14 other remedial sanction authorized by this chapter. This remedy is
15 specifically determined to be a remedial sanction.

16 (ii) Prior to committing any youth to juvenile detention as a
17 sanction for contempt in at-risk youth petition cases only under
18 chapter 13.32A(~~(, 13.34,)~~) RCW or for cases under chapter 28A.225
19 RCW, or for failure to appear at a court hearing in at-risk youth
20 petition cases only under chapter 13.32A(~~(, 13.34,)~~) RCW or for cases
21 under chapter 28A.225 RCW, the court must:

22 (A) Consider, on the record, the mitigating and aggravating
23 factors used to determine the appropriateness of detention for
24 enforcement of its order;

25 (B) Enter written findings affirming that it considered all less
26 restrictive options, that detention is the only appropriate
27 alternative, including its rationale and the clear, cogent, and
28 convincing evidence used to enforce the order;

29 (C) Afford the same due process considerations that it affords
30 all youth in criminal contempt proceedings; and

31 (D) Seek input from all relevant parties, including the youth.

32 (iii) Detention periods for youth sanctioned to juvenile
33 detention for contempt in at-risk youth petition cases only under
34 chapter 13.32A(~~(, 13.34,)~~) RCW or for cases under chapter 28A.225
35 RCW, or for failure to appear at a court hearing in at-risk youth
36 petition cases only under chapter 13.32A(~~(, 13.34,)~~) RCW or for cases
37 under chapter 28A.225 RCW, shall be:

38 (A) No more than seventy-two hours, regardless of the number of
39 violations being considered at the hearing; and

1 (B) Limited to no more than two sanctions, up to seventy-two
2 hours each, in any thirty-day period.

3 (iv) Nothing in this subsection (2)(e) or in RCW 13.32A.250,
4 13.34.165, or 28A.225.090 shall be construed to limit the court's
5 inherent contempt power or curtail its exercise.

6 (3) The court may, in addition to the remedial sanctions set
7 forth in subsection (2) of this section, order a person found in
8 contempt of court to pay a party for any losses suffered by the party
9 as a result of the contempt and any costs incurred in connection with
10 the contempt proceeding, including reasonable attorney's fees.

11 (4) If the court finds that a person under the age of eighteen
12 years has willfully disobeyed the terms of an order issued under
13 chapter 10.14 RCW, the court may find the person in contempt of court
14 and may, as a sole sanction for such contempt, commit the person to
15 juvenile detention for a period of time not to exceed seven days.

16 **Sec. 5.** RCW 7.21.030 and 2019 c ... s 4 (section 4 of this act)
17 are each amended to read as follows:

18 (1) The court may initiate a proceeding to impose a remedial
19 sanction on its own motion or on the motion of a person aggrieved by
20 a contempt of court in the proceeding to which the contempt is
21 related. Except as provided in RCW 7.21.050, the court, after notice
22 and hearing, may impose a remedial sanction authorized by this
23 chapter.

24 (2) If the court finds that the person has failed or refused to
25 perform an act that is yet within the person's power to perform, the
26 court may find the person in contempt of court and impose one or more
27 of the following remedial sanctions:

28 (a) Imprisonment if the contempt of court is of a type defined in
29 RCW 7.21.010(1) (b) through (d). The imprisonment may extend only so
30 long as it serves a coercive purpose.

31 (b) A forfeiture not to exceed two thousand dollars for each day
32 the contempt of court continues.

33 (c) An order designed to ensure compliance with a prior order of
34 the court.

35 (d) Any other remedial sanction other than the sanctions
36 specified in (a) through (c) of this subsection if the court
37 expressly finds that those sanctions would be ineffectual to
38 terminate a continuing contempt of court.

1 (e)(i) In at-risk youth petition cases only under chapter 13.32A
2 RCW (~~and in cases under chapter 28A.225 RCW~~) and subject to the
3 requirements under RCW 13.32A.250 (~~and 28A.225.090~~), commitment to
4 juvenile detention for a period of time not to exceed seventy-two
5 hours, excluding Saturdays, Sundays, and holidays. The seventy-two
6 hour period shall commence upon the next nonholiday weekday following
7 the court order and shall run to the end of the last nonholiday
8 weekday within the seventy-two hour period. This sanction may be
9 imposed in addition to, or as an alternative to, any other remedial
10 sanction authorized by this chapter. This remedy is specifically
11 determined to be a remedial sanction.

12 (ii) Prior to committing any youth to juvenile detention as a
13 sanction for contempt in at-risk youth petition cases only under
14 chapter 13.32A RCW (~~or for cases under chapter 28A.225 RCW~~), or for
15 failure to appear at a court hearing in at-risk youth petition cases
16 only under chapter 13.32A RCW (~~or for cases under chapter 28A.225
17 RCW~~), the court must:

18 (A) Consider, on the record, the mitigating and aggravating
19 factors used to determine the appropriateness of detention for
20 enforcement of its order;

21 (B) Enter written findings affirming that it considered all less
22 restrictive options, that detention is the only appropriate
23 alternative, including its rationale and the clear, cogent, and
24 convincing evidence used to enforce the order;

25 (C) Afford the same due process considerations that it affords
26 all youth in criminal contempt proceedings; and

27 (D) Seek input from all relevant parties, including the youth.

28 (iii) Detention periods for youth sanctioned to juvenile
29 detention for contempt in at-risk youth petition cases only under
30 chapter 13.32A RCW (~~or for cases under chapter 28A.225 RCW~~), or for
31 failure to appear at a court hearing in at-risk youth petition cases
32 only under chapter 13.32A RCW (~~or for cases under chapter 28A.225
33 RCW~~), shall be:

34 (A) No more than seventy-two hours, regardless of the number of
35 violations being considered at the hearing; and

36 (B) Limited to no more than two sanctions, up to seventy-two
37 hours each, in any thirty-day period.

38 (iv) Nothing in this subsection (2)(e) or in RCW 13.32A.250,
39 13.34.165, or 28A.225.090 shall be construed to limit the court's
40 inherent contempt power or curtail its exercise.

1 (3) The court may, in addition to the remedial sanctions set
2 forth in subsection (2) of this section, order a person found in
3 contempt of court to pay a party for any losses suffered by the party
4 as a result of the contempt and any costs incurred in connection with
5 the contempt proceeding, including reasonable attorney's fees.

6 (4) If the court finds that a person under the age of eighteen
7 years has willfully disobeyed the terms of an order issued under
8 chapter 10.14 RCW, the court may find the person in contempt of court
9 and may, as a sole sanction for such contempt, commit the person to
10 juvenile detention for a period of time not to exceed seven days.

11 **Sec. 6.** RCW 7.21.030 and 2019 c ... s 5 (section 5 of this act)
12 are each amended to read as follows:

13 (1) The court may initiate a proceeding to impose a remedial
14 sanction on its own motion or on the motion of a person aggrieved by
15 a contempt of court in the proceeding to which the contempt is
16 related. Except as provided in RCW 7.21.050, the court, after notice
17 and hearing, may impose a remedial sanction authorized by this
18 chapter.

19 (2) If the court finds that the person has failed or refused to
20 perform an act that is yet within the person's power to perform, the
21 court may find the person in contempt of court and impose one or more
22 of the following remedial sanctions:

23 (a) Imprisonment if the contempt of court is of a type defined in
24 RCW 7.21.010(1) (b) through (d). The imprisonment may extend only so
25 long as it serves a coercive purpose.

26 (b) A forfeiture not to exceed two thousand dollars for each day
27 the contempt of court continues.

28 (c) An order designed to ensure compliance with a prior order of
29 the court.

30 (d) Any other remedial sanction other than the sanctions
31 specified in (a) through (c) of this subsection if the court
32 expressly finds that those sanctions would be ineffectual to
33 terminate a continuing contempt of court.

34 (e) (i) In at-risk youth petition cases only under chapter 13.32A
35 RCW and subject to the requirements under RCW 13.32A.250, commitment
36 to ~~((juvenile detention for a period of time not to exceed seventy-~~
37 ~~two hours, excluding Saturdays, Sundays, and holidays. The seventy-~~
38 ~~two hour period shall commence upon the next nonholiday weekday~~
39 ~~following the court order and shall run to the end of the last~~

1 ~~nonholiday weekday within the seventy-two hour period. This sanction~~
2 ~~may be imposed in addition to, or as an alternative to, any other~~
3 ~~remedial sanction authorized by this chapter. This remedy is~~
4 ~~specifically determined to be a remedial sanction))~~ a secure
5 residential program with intensive wraparound services.

6 (ii) Beginning July 1, 2023, prior to committing any youth to
7 ((juvenile detention)) a secure residential program with intensive
8 wraparound services as a sanction for contempt in at-risk youth
9 petition cases only under chapter 13.32A RCW, or for failure to
10 appear at a court hearing in at-risk youth petition cases only under
11 chapter 13.32A RCW, the court must:

12 (A) Consider, on the record, the mitigating and aggravating
13 factors used to determine the appropriateness of detention for
14 enforcement of its order;

15 (B) Enter written findings affirming that it considered all less
16 restrictive options, that detention is the only appropriate
17 alternative, including its rationale and the clear, cogent, and
18 convincing evidence used to enforce the order;

19 (C) Afford the same due process considerations that it affords
20 all youth in criminal contempt proceedings; and

21 (D) Seek input from all relevant parties, including the youth.

22 ~~(iii) ((Detention periods for youth sanctioned to juvenile~~
23 ~~detention for contempt in at-risk youth petition cases only under~~
24 ~~chapter 13.32A RCW, or for failure to appear at a court hearing in~~
25 ~~at-risk youth petition cases only under chapter 13.32A RCW, shall be:~~

26 ~~(A) No more than seventy-two hours, regardless of the number of~~
27 ~~violations being considered at the hearing; and~~

28 ~~(B) Limited to no more than two sanctions, up to seventy-two~~
29 ~~hours each, in any thirty-day period.~~

30 ~~(iv))~~ Nothing in this subsection (2)(e) or in RCW 13.32A.250,
31 13.34.165, or 28A.225.090 shall be construed to limit the court's
32 inherent contempt power or curtail its exercise.

33 (3) The court may, in addition to the remedial sanctions set
34 forth in subsection (2) of this section, order a person found in
35 contempt of court to pay a party for any losses suffered by the party
36 as a result of the contempt and any costs incurred in connection with
37 the contempt proceeding, including reasonable attorney's fees.

38 (4) If the court finds that a person under the age of eighteen
39 years has willfully disobeyed the terms of an order issued under
40 chapter 10.14 RCW, the court may find the person in contempt of court

1 and may, as a sole sanction for such contempt, commit the person to
2 juvenile detention for a period of time not to exceed seven days.

3 **Sec. 7.** RCW 13.32A.250 and 2000 c 162 s 14 are each amended to
4 read as follows:

5 (1) In all child in need of services proceedings and at-risk
6 youth proceedings, the court shall verbally notify the parents and
7 the child of the possibility of a finding of contempt for failure to
8 comply with the terms of a court order entered pursuant to this
9 chapter and the possible consequences thereof, including confinement
10 when applicable. Except as otherwise provided in this section, the
11 court shall treat the parents and the child equally for the purposes
12 of applying contempt of court processes and penalties under this
13 section.

14 (2) Failure by a party to comply with an order entered under this
15 chapter is a civil contempt of court as provided in RCW
16 7.21.030(2)(e), subject to the limitations of subsection (3) of this
17 section.

18 (3)(a) If the child fails to comply with the court order, the
19 court may impose:

20 (i) Community restitution;

21 (ii) Residential and nonresidential programs with intensive
22 wraparound services;

23 (iii) A requirement that the child meet with a mentor for a
24 specified number of times; or

25 (iv) Other services and interventions that the court deems
26 appropriate.

27 (b)(i) The court may impose remedial sanctions including a fine
28 of up to one hundred dollars and confinement for up to ((seven days))
29 seventy-two hours, or both for contempt of court under this section
30 if (A) one of the less restrictive alternatives under (a) of this
31 subsection has been attempted and another violation of the order has
32 occurred, or (B) the court issues a formal finding that none of the
33 less restrictive alternatives is available. The seventy-two hour
34 period excludes Saturdays, Sundays, and holidays and shall commence
35 upon the next nonholiday weekday following the court order and shall
36 run to the end of the last nonholiday weekday within the seventy-two
37 hour period.

38 ((4)) (ii) A child placed in confinement for contempt under
39 this section shall be placed in confinement only in a secure juvenile

1 detention facility operated by or pursuant to a contract with a
2 county.

3 ~~((+5))~~ (4) A motion for contempt may be made by a parent, a
4 child, juvenile court personnel, or by any public agency,
5 organization, or person having custody of the child under a court
6 order adopted pursuant to this chapter.

7 ~~((+6))~~ (5) Whenever the court finds probable cause to believe,
8 based upon consideration of a motion for contempt and the information
9 set forth in a supporting declaration, that a child has violated a
10 placement order entered under this chapter, the court must direct the
11 court clerk to command the presence of the child by the issuance of a
12 summons or other method approved by local court rule instead of a
13 warrant, unless the court finds probable cause to believe that the
14 child would not appear in response to the command or finds probable
15 cause to believe that the arrest is necessary to prevent serious
16 bodily harm to the juvenile or another, in which case the court may
17 issue a warrant. A warrant of arrest must be supported by an
18 affidavit or sworn testimony, which must be recorded electronically
19 or by stenographer, establishing the grounds for issuing the warrant.
20 The warrant of arrest for a child under this subsection may not be
21 served on a child inside of school during school hours in a location
22 where other students are present if the child named in the warrant is
23 a pupil at the school. The court must communicate the summons to the
24 child through mail, telephone, text message, or other method of
25 communication needed in order to ensure the child has received the
26 information. If the child fails to appear via the summons or other
27 method, the court may issue an order directing law enforcement to
28 pick up and take the child to detention. ~~((The order may be entered~~
29 ~~ex parte without prior notice to the child or other parties.~~
30 ~~Following the child's admission to detention, a detention review~~
31 ~~hearing must be held in accordance with RCW 13.32A.065.))~~

32 (6) Nothing in this section shall be construed to limit the
33 court's inherent contempt power or curtail its exercise.

34 **Sec. 8.** RCW 13.32A.250 and 2019 c ... s 7 (section 7 of this
35 act) are each amended to read as follows:

36 (1) In all child in need of services proceedings and at-risk
37 youth proceedings, the court shall verbally notify the parents and
38 the child of the possibility of a finding of contempt for failure to
39 comply with the terms of a court order entered pursuant to this

1 chapter and the possible consequences thereof, including confinement
2 when applicable. Except as otherwise provided in this section, the
3 court shall treat the parents and the child equally for the purposes
4 of applying contempt of court processes and penalties under this
5 section.

6 (2) Failure by a party in an at-risk youth proceeding to comply
7 with an order entered under this chapter is a civil contempt of court
8 as provided in RCW 7.21.030(2)(e), subject to the limitations of
9 subsection (3) of this section.

10 (3) For at-risk youth proceedings only:

11 (a) If the child fails to comply with the court order, the court
12 may impose:

13 (i) Community restitution;

14 (ii) Residential and nonresidential programs with intensive
15 wraparound services;

16 (iii) A requirement that the child meet with a mentor for a
17 specified number of times; or

18 (iv) Other services and interventions that the court deems
19 appropriate.

20 (b)(i) The court may impose remedial sanctions including a fine
21 of up to one hundred dollars and confinement for up to seventy-two
22 hours, or both for contempt of court under this section if (A) one of
23 the less restrictive alternatives under (a) of this subsection has
24 been attempted and another violation of the order has occurred, or
25 (B) the court issues a formal finding that none of the less
26 restrictive alternatives is available. The seventy-two hour period
27 excludes Saturdays, Sundays, and holidays and shall commence upon the
28 next nonholiday weekday following the court order and shall run to
29 the end of the last nonholiday weekday within the seventy-two hour
30 period.

31 (ii) A child placed in confinement for contempt under this
32 section shall be placed in confinement only in a secure juvenile
33 detention facility operated by or pursuant to a contract with a
34 county.

35 (c) A child involved in a child in need of services proceeding
36 may not be placed in confinement under this section.

37 (4) A motion for contempt may be made by a parent, a child,
38 juvenile court personnel, or by any public agency, organization, or
39 person having custody of the child under a court order adopted
40 pursuant to this chapter.

1 (5) For at-risk youth proceedings only, whenever the court finds
2 probable cause to believe, based upon consideration of a motion for
3 contempt and the information set forth in a supporting declaration,
4 that a child has violated a placement order entered under this
5 chapter, the court must direct the court clerk to command the
6 presence of the child by the issuance of a summons or other method
7 approved by local court rule instead of a warrant, unless the court
8 finds probable cause to believe that the child would not appear in
9 response to the command or finds probable cause to believe that the
10 arrest is necessary to prevent serious bodily harm to the juvenile or
11 another, in which case the court may issue a warrant. A warrant of
12 arrest must be supported by an affidavit or sworn testimony, which
13 must be recorded electronically or by stenographer, establishing the
14 grounds for issuing the warrant. The warrant of arrest for a child
15 under this subsection may not be served on a child inside of school
16 during school hours in a location where other students are present if
17 the child named in the warrant is a pupil at the school. The court
18 must communicate the summons to the child through mail, telephone,
19 text message, or other method of communication needed in order to
20 ensure the child has received the information. If the child fails to
21 appear via the summons or other method, the court may issue an order
22 directing law enforcement to pick up and take the child to detention.

23 (6) Nothing in this section shall be construed to limit the
24 court's inherent contempt power or curtail its exercise.

25 **Sec. 9.** RCW 13.32A.250 and 2019 c ... s 8 (section 8 of this
26 act) are each amended to read as follows:

27 (1) In all child in need of services proceedings and at-risk
28 youth proceedings, the court shall verbally notify the parents and
29 the child of the possibility of a finding of contempt for failure to
30 comply with the terms of a court order entered pursuant to this
31 chapter and the possible consequences thereof, including confinement
32 when applicable. Except as otherwise provided in this section, the
33 court shall treat the parents and the child equally for the purposes
34 of applying contempt of court processes and penalties under this
35 section.

36 (2) Failure by a party in an at-risk youth proceeding to comply
37 with an order entered under this chapter is a civil contempt of court
38 as provided in RCW 7.21.030(2)(e), subject to the limitations of
39 subsection (3) of this section.

1 (3) For at-risk youth proceedings only:

2 (a) If the child fails to comply with the court order, the court
3 may impose:

4 (i) Community restitution;

5 (ii) Residential and nonresidential programs with intensive
6 wraparound services;

7 (iii) A requirement that the child meet with a mentor for a
8 specified number of times; or

9 (iv) Other services and interventions that the court deems
10 appropriate.

11 (b) (i) The court may impose remedial sanctions including a fine
12 of up to one hundred dollars and confinement (~~for up to seventy-two~~
13 ~~hours~~) to a secure residential program with intensive wraparound
14 services, or both for contempt of court under this section if (A) one
15 of the less restrictive alternatives under (a) of this subsection has
16 been attempted and another violation of the order has occurred, or
17 (B) the court issues a formal finding that none of the less
18 restrictive alternatives is available. (~~The seventy-two hour period~~
19 ~~excludes Saturdays, Sundays, and holidays and shall commence upon the~~
20 ~~next nonholiday weekday following the court order and shall run to~~
21 ~~the end of the last nonholiday weekday within the seventy-two hour~~
22 ~~period.~~)

23 (ii) A child placed in confinement for contempt under this
24 section (~~shall~~) may be placed in (~~confinement only in a secure~~
25 ~~juvenile detention facility operated by or pursuant to a contract~~
26 ~~with a county~~) a secure crisis residential center or any program
27 approved by the department offering secure confinement and intensive
28 wraparound services appropriate to the needs of the child. The child
29 may not be placed in a detention facility as defined in RCW
30 13.40.020. Secure residential programs with intensive wraparound
31 services as used in this section may be defined as secure juvenile
32 correctional facilities for the purposes of federal law only.

33 (c) A child involved in a child in need of services proceeding
34 may not be placed in confinement under this section.

35 (4) A motion for contempt may be made by a parent, a child,
36 juvenile court personnel, or by any public agency, organization, or
37 person having custody of the child under a court order adopted
38 pursuant to this chapter.

39 (5) For at-risk youth proceedings only, whenever the court finds
40 probable cause to believe, based upon consideration of a motion for

1 contempt and the information set forth in a supporting declaration,
2 that a child has violated a placement order entered under this
3 chapter, the court must direct the court clerk to command the
4 presence of the child by the issuance of a summons or other method
5 approved by local court rule instead of a warrant, unless the court
6 finds probable cause to believe that the child would not appear in
7 response to the command or finds probable cause to believe that the
8 arrest is necessary to prevent serious bodily harm to the juvenile or
9 another, in which case the court may issue a warrant. A warrant of
10 arrest must be supported by an affidavit or sworn testimony, which
11 must be recorded electronically or by stenographer, establishing the
12 grounds for issuing the warrant. The warrant of arrest for a child
13 under this subsection may not be served on a child inside of school
14 during school hours in a location where other students are present if
15 the child named in the warrant is a pupil at the school. The court
16 must communicate the summons to the child through mail, telephone,
17 text message, or other method of communication needed in order to
18 ensure the child has received the information. If the child fails to
19 appear via the summons or other method, the court may issue an order
20 directing law enforcement to pick up and take the child to detention.

21 (6) Nothing in this section shall be construed to limit the
22 court's inherent contempt power or curtail its exercise.

23 **Sec. 10.** RCW 13.32A.150 and 2000 c 123 s 17 are each amended to
24 read as follows:

25 (1) Except as otherwise provided in this chapter, the juvenile
26 court shall not accept the filing of a child in need of services
27 petition by the child or the parents or the filing of an at-risk
28 youth petition by the parent, unless verification is provided that
29 the department has completed a family assessment. The family
30 assessment shall involve the multidisciplinary team if one exists.
31 The family assessment or plan of services developed by the
32 multidisciplinary team shall be aimed at family reconciliation,
33 reunification, and avoidance of the out-of-home placement of the
34 child. (~~(If the department is unable to complete an assessment within~~
35 ~~two working days following a request for assessment the child or the~~
36 ~~parents may proceed under subsection (2) of this section or the~~
37 ~~parent may proceed under RCW 13.32A.191.))~~

38 (2) A child or a child's parent may file with the juvenile court
39 a child in need of services petition to approve an out-of-home

1 placement for the child before completion of a family assessment. The
2 department shall, when requested, assist either a parent or child in
3 the filing of the petition. The petition must be filed in the county
4 where the parent resides. The petition shall allege that the child is
5 a child in need of services and shall ask only that the placement of
6 a child outside the home of his or her parent be approved. The filing
7 of a petition to approve the placement is not dependent upon the
8 court's having obtained any prior jurisdiction over the child or his
9 or her parent, and confers upon the court a special jurisdiction to
10 approve or disapprove an out-of-home placement under this chapter.

11 (3) A petition may not be filed if the child is the subject of a
12 proceeding under chapter 13.34 RCW.

13 **Sec. 11.** RCW 13.34.165 and 2000 c 122 s 21 are each amended to
14 read as follows:

15 (1) Failure by a party to comply with an order entered under this
16 chapter is civil contempt of court as provided in RCW 7.21.030(2)
17 (~~(e)~~).

18 (2) The maximum term of confinement that may be imposed as a
19 remedial sanction for contempt of court under this section is
20 confinement for up to (~~seven days~~) seventy-two hours.

21 (3) A child held for contempt under this section shall be
22 confined only in a secure juvenile detention facility operated by or
23 pursuant to a contract with a county.

24 (4) A motion for contempt may be made by a parent, juvenile court
25 personnel, or by any public agency, organization, or person having
26 custody of the child under a court order entered pursuant to this
27 chapter.

28 (5) (a) Subject to (b) of this subsection, whenever the court
29 finds probable cause to believe, based upon consideration of a motion
30 (~~for contempt~~) and the information set forth in a supporting
31 declaration, that a child (~~has violated a placement order entered~~
32 under this chapter) is missing from care, the court may issue an
33 order directing law enforcement to pick up and (~~take~~) return the
34 child to (~~detention~~) department custody. (~~The order may be entered~~
35 ex parte without prior notice to the child or other parties.
36 Following the child's admission to detention, a detention review
37 hearing must be held in accordance with RCW 13.32A.065.)

38 (b) If the department is notified of the child's whereabouts and
39 authorizes the child's location, the court must withdraw the order

1 directing law enforcement to pick up and return the child to
2 department custody.

3 (6) Nothing in this section shall be construed to limit the
4 court's inherent contempt power or curtail its exercise.

5 **Sec. 12.** RCW 13.34.165 and 2019 c ... s 11 (section 11 of this
6 act) are each amended to read as follows:

7 (1) Failure by a party to comply with an order entered under this
8 chapter is civil contempt of court as provided in RCW 7.21.030(2).

9 ~~(2) ((The maximum term of confinement that may be imposed as a~~
10 ~~remedial sanction for contempt of court under this section is~~
11 ~~confinement for up to seventy-two hours.~~

12 ~~(3) A child held for contempt under this section shall be~~
13 ~~confined only in a secure juvenile detention facility operated by or~~
14 ~~pursuant to a contract with a county.~~

15 ~~(4))~~ A motion for contempt may be made by a parent, juvenile
16 court personnel, or by any public agency, organization, or person
17 having custody of the child under a court order entered pursuant to
18 this chapter.

19 ~~((5))~~ (3)(a) Subject to (b) of this subsection, whenever the
20 court finds probable cause to believe, based upon consideration of a
21 motion and the information set forth in a supporting declaration,
22 that a child is missing from care, the court may issue an order
23 directing law enforcement to pick up and return the child to
24 department custody.

25 (b) If the department is notified of the child's whereabouts and
26 authorizes the child's location, the court must withdraw the order
27 directing law enforcement to pick up and return the child to
28 department custody.

29 ~~((6))~~ (4) Nothing in this section shall be construed to limit
30 the court's inherent contempt power or curtail its exercise.

31 **Sec. 13.** RCW 28A.225.090 and 2017 c 291 s 5 are each amended to
32 read as follows:

33 (1) A court may order a child subject to a petition under RCW
34 28A.225.035 to do one or more of the following:

35 (a) Attend the child's current school, and set forth minimum
36 attendance requirements, which shall not consider a suspension day as
37 an unexcused absence;

1 (b) If there is space available and the program can provide
2 educational services appropriate for the child, order the child to
3 attend another public school, an alternative education program,
4 center, a skill center, dropout prevention program, or another public
5 educational program;

6 (c) Attend a private nonsectarian school or program including an
7 education center. Before ordering a child to attend an approved or
8 certified private nonsectarian school or program, the court shall:

9 (i) Consider the public and private programs available; (ii) find
10 that placement is in the best interest of the child; and (iii) find
11 that the private school or program is willing to accept the child and
12 will not charge any fees in addition to those established by contract
13 with the student's school district. If the court orders the child to
14 enroll in a private school or program, the child's school district
15 shall contract with the school or program to provide educational
16 services for the child. The school district shall not be required to
17 contract for a weekly rate that exceeds the state general
18 apportionment dollars calculated on a weekly basis generated by the
19 child and received by the district. A school district shall not be
20 required to enter into a contract that is longer than the remainder
21 of the school year. A school district shall not be required to enter
22 into or continue a contract if the child is no longer enrolled in the
23 district;

24 (d) Submit to a substance abuse assessment if the court finds on
25 the record that such assessment is appropriate to the circumstances
26 and behavior of the child and will facilitate the child's compliance
27 with the mandatory attendance law and, if any assessment, including a
28 urinalysis test ordered under this subsection indicates the use of
29 controlled substances or alcohol, order the minor to abstain from the
30 unlawful consumption of controlled substances or alcohol and adhere
31 to the recommendations of the substance abuse assessment at no
32 expense to the school; or

33 (e) Submit to a mental health evaluation or other diagnostic
34 evaluation and adhere to the recommendations of the drug assessment,
35 at no expense to the school, if the court finds on the court records
36 that such evaluation is appropriate to the circumstances and behavior
37 of the child, and will facilitate the child's compliance with the
38 mandatory attendance law.

39 (2) (a) If the child fails to comply with the court order, the
40 court may impose:

1 (i) Community restitution;
2 (ii) Nonresidential programs with intensive wraparound services;
3 (iii) A requirement that the child meet with a mentor for a
4 specified number of times; or
5 (iv) Other services and interventions that the court deems
6 appropriate.

7 (b) If the child continues to fail to comply with the court order
8 and the court makes a finding that other measures to secure
9 compliance have been tried but have been unsuccessful and no less
10 restrictive alternative is available, the court may order the child
11 to be subject to detention, as provided in RCW 7.21.030(2)(e).
12 Failure by a child to comply with an order issued under this
13 subsection shall not be subject to detention for a period greater
14 than that permitted pursuant to a civil contempt proceeding against a
15 child under chapter 13.32A RCW. Detention ordered under this
16 subsection may be for no longer than (~~seven days~~) seventy-two
17 hours. Detention ordered under this subsection shall preferably be
18 served at a secure crisis residential center close to the child's
19 home rather than in a juvenile detention facility. A warrant of
20 arrest for a child under this subsection may not be served on a child
21 inside of school during school hours in a location where other
22 students are present.

23 (3) Any parent violating any of the provisions of either RCW
24 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than
25 twenty-five dollars for each day of unexcused absence from school.
26 The court shall remit fifty percent of the fine collected under this
27 section to the child's school district. It shall be a defense for a
28 parent charged with violating RCW 28A.225.010 to show that he or she
29 exercised reasonable diligence in attempting to cause a child in his
30 or her custody to attend school or that the child's school did not
31 perform its duties as required in RCW 28A.225.020. The court may
32 order the parent to provide community restitution instead of imposing
33 a fine. Any fine imposed pursuant to this section may be suspended
34 upon the condition that a parent charged with violating RCW
35 28A.225.010 shall participate with the school and the child in a
36 supervised plan for the child's attendance at school or upon
37 condition that the parent attend a conference or conferences
38 scheduled by a school for the purpose of analyzing the causes of a
39 child's absence.

1 (4) If a child continues to be truant after entering into a
2 court-approved order with the truancy board under RCW 28A.225.035,
3 the juvenile court shall find the child in contempt, and the court
4 may order the child to be subject to detention, as provided in RCW
5 7.21.030(2)(e), or may impose alternatives to detention such as
6 meaningful community restitution. Failure by a child to comply with
7 an order issued under this subsection may not subject a child to
8 detention for a period greater than that permitted under a civil
9 contempt proceeding against a child under chapter 13.32A RCW.

10 (5) Nothing in this section shall be construed to limit the
11 court's inherent contempt power or curtail its exercise.

12 (6) Subsections (1), (2), and (4) of this section shall not apply
13 to a six or seven year old child required to attend public school
14 under RCW 28A.225.015.

15 **Sec. 14.** RCW 28A.225.090 and 2019 c ... s 13 (section 13 of this
16 act) are each amended to read as follows:

17 (1) A court may order a child subject to a petition under RCW
18 28A.225.035 to do one or more of the following:

19 (a) Attend the child's current school, and set forth minimum
20 attendance requirements, which shall not consider a suspension day as
21 an unexcused absence;

22 (b) If there is space available and the program can provide
23 educational services appropriate for the child, order the child to
24 attend another public school, an alternative education program,
25 center, a skill center, dropout prevention program, or another public
26 educational program;

27 (c) Attend a private nonsectarian school or program including an
28 education center. Before ordering a child to attend an approved or
29 certified private nonsectarian school or program, the court shall:

30 (i) Consider the public and private programs available; (ii) find
31 that placement is in the best interest of the child; and (iii) find
32 that the private school or program is willing to accept the child and
33 will not charge any fees in addition to those established by contract
34 with the student's school district. If the court orders the child to
35 enroll in a private school or program, the child's school district
36 shall contract with the school or program to provide educational
37 services for the child. The school district shall not be required to
38 contract for a weekly rate that exceeds the state general
39 apportionment dollars calculated on a weekly basis generated by the

1 child and received by the district. A school district shall not be
2 required to enter into a contract that is longer than the remainder
3 of the school year. A school district shall not be required to enter
4 into or continue a contract if the child is no longer enrolled in the
5 district;

6 (d) Submit to a substance abuse assessment if the court finds on
7 the record that such assessment is appropriate to the circumstances
8 and behavior of the child and will facilitate the child's compliance
9 with the mandatory attendance law and, if any assessment, including a
10 urinalysis test ordered under this subsection indicates the use of
11 controlled substances or alcohol, order the minor to abstain from the
12 unlawful consumption of controlled substances or alcohol and adhere
13 to the recommendations of the substance abuse assessment at no
14 expense to the school; or

15 (e) Submit to a mental health evaluation or other diagnostic
16 evaluation and adhere to the recommendations of the drug assessment,
17 at no expense to the school, if the court finds on the court records
18 that such evaluation is appropriate to the circumstances and behavior
19 of the child, and will facilitate the child's compliance with the
20 mandatory attendance law.

21 (2) ~~((a))~~ If the child fails to comply with the court order, the
22 court may impose:

23 ~~((i))~~ (a) Community restitution;

24 ~~((ii))~~ (b) Nonresidential programs with intensive wraparound
25 services;

26 ~~((iii))~~ (c) A requirement that the child meet with a mentor for
27 a specified number of times; or

28 ~~((iv))~~ (d) Other services and interventions that the court
29 deems appropriate.

30 ~~((b) If the child continues to fail to comply with the court
31 order and the court makes a finding that other measures to secure
32 compliance have been tried but have been unsuccessful and no less
33 restrictive alternative is available, the court may order the child
34 to be subject to detention, as provided in RCW 7.21.030(2)(e).
35 Failure by a child to comply with an order issued under this
36 subsection shall not be subject to detention for a period greater
37 than that permitted pursuant to a civil contempt proceeding against a
38 child under chapter 13.32A RCW. Detention ordered under this
39 subsection may be for no longer than seventy-two hours. Detention
40 ordered under this subsection shall preferably be served at a secure~~

1 ~~crisis residential center close to the child's home rather than in a~~
2 ~~juvenile detention facility. A warrant of arrest for a child under~~
3 ~~this subsection may not be served on a child inside of school during~~
4 ~~school hours in a location where other students are present.))~~

5 (3) Any parent violating any of the provisions of either RCW
6 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than
7 twenty-five dollars for each day of unexcused absence from school.
8 The court shall remit fifty percent of the fine collected under this
9 section to the child's school district. It shall be a defense for a
10 parent charged with violating RCW 28A.225.010 to show that he or she
11 exercised reasonable diligence in attempting to cause a child in his
12 or her custody to attend school or that the child's school did not
13 perform its duties as required in RCW 28A.225.020. The court may
14 order the parent to provide community restitution instead of imposing
15 a fine. Any fine imposed pursuant to this section may be suspended
16 upon the condition that a parent charged with violating RCW
17 28A.225.010 shall participate with the school and the child in a
18 supervised plan for the child's attendance at school or upon
19 condition that the parent attend a conference or conferences
20 scheduled by a school for the purpose of analyzing the causes of a
21 child's absence.

22 (4) If a child continues to be truant after entering into a
23 court-approved order with the truancy board under RCW 28A.225.035,
24 the juvenile court shall find the child in contempt, and the court
25 may (~~order the child to be subject to detention, as provided in RCW~~
26 ~~7.21.030(2)(e), or may~~) impose alternatives to detention (~~such as~~
27 ~~meaningful community restitution. Failure by a child to comply with~~
28 ~~an order issued under this subsection may not subject a child to~~
29 ~~detention for a period greater than that permitted under a civil~~
30 ~~contempt proceeding against a child under chapter 13.32A RCW))
31 consistent with best practice models for reengagement with school.~~

32 (5) Nothing in this section shall be construed to limit the
33 court's inherent contempt power or curtail its exercise.

34 (6) Subsections (1), (2), and (4) of this section shall not apply
35 to a six or seven year old child required to attend public school
36 under RCW 28A.225.015.

37 **Sec. 15.** RCW 43.185C.260 and 2018 c 58 s 61 are each amended to
38 read as follows:

39 (1) A law enforcement officer shall take a child into custody:

1 (a) If a law enforcement agency has been contacted by the parent
2 of the child that the child is absent from parental custody without
3 consent; or

4 (b) If a law enforcement officer reasonably believes, considering
5 the child's age, the location, and the time of day, that a child is
6 in circumstances which constitute a danger to the child's safety or
7 that a child is violating a local curfew ordinance; or

8 (c) If an agency legally charged with the supervision of a child
9 has notified a law enforcement agency that the child has run away
10 from placement (~~;~~ or

11 ~~(d) If a law enforcement agency has been notified by the juvenile~~
12 ~~court that the court finds probable cause exists to believe that the~~
13 ~~child has violated a court placement order issued under this chapter~~
14 ~~or chapter 13.34 RCW or that the court has issued an order for law~~
15 ~~enforcement pick-up of the child under this chapter or chapter 13.34~~
16 ~~RCW).~~

17 (2) Law enforcement custody shall not extend beyond the amount of
18 time reasonably necessary to transport the child to a destination
19 authorized by law and to place the child at that destination. Law
20 enforcement custody continues until the law enforcement officer
21 transfers custody to a person, agency, or other authorized entity
22 under this chapter, or releases the child because no placement is
23 available. Transfer of custody is not complete unless the person,
24 agency, or entity to whom the child is released agrees to accept
25 custody.

26 (3) If a law enforcement officer takes a child into custody
27 pursuant to either subsection (1)(a) or (b) of this section and
28 transports the child to a crisis residential center, the officer
29 shall, within twenty-four hours of delivering the child to the
30 center, provide to the center a written report detailing the reasons
31 the officer took the child into custody. The center shall provide the
32 department of children, youth, and families with a copy of the
33 officer's report if the youth is in the care of or receiving services
34 from the department of children, youth, and families.

35 (4) If the law enforcement officer who initially takes the
36 juvenile into custody or the staff of the crisis residential center
37 have reasonable cause to believe that the child is absent from home
38 because he or she is abused or neglected, a report shall be made
39 immediately to the department of children, youth, and families.

1 (5) Nothing in this section affects the authority of any
2 political subdivision to make regulations concerning the conduct of
3 minors in public places by ordinance or other local law.

4 (6) If a law enforcement officer has a reasonable suspicion that
5 a child is being unlawfully harbored in violation of RCW 13.32A.080,
6 the officer shall remove the child from the custody of the person
7 harboring the child and shall transport the child to one of the
8 locations specified in RCW 43.185C.265.

9 (7) No child may be placed in a secure facility except as
10 provided in this chapter.

11 **Sec. 16.** RCW 43.185C.265 and 2015 c 69 s 14 are each amended to
12 read as follows:

13 (1) An officer taking a child into custody under RCW
14 43.185C.260(1) (a) or (b) shall inform the child of the reason for
15 such custody and shall:

16 (a) Transport the child to his or her home or to a parent at his
17 or her place of employment, if no parent is at home. The parent may
18 request that the officer take the child to the home of an adult
19 extended family member, responsible adult, crisis residential center,
20 the department of (~~social and health services~~) children, youth, and
21 families, or a licensed youth shelter. In responding to the request
22 of the parent, the officer shall take the child to a requested place
23 which, in the officer's belief, is within a reasonable distance of
24 the parent's home. The officer releasing a child into the custody of
25 a parent, an adult extended family member, responsible adult, or a
26 licensed youth shelter shall inform the person receiving the child of
27 the reason for taking the child into custody and inform all parties
28 of the nature and location of appropriate services available in the
29 community; or

30 (b) After attempting to notify the parent, take the child to a
31 designated crisis residential center's secure facility or a center's
32 semi-secure facility if a secure facility is full, not available, or
33 not located within a reasonable distance if:

34 (i) The child expresses fear or distress at the prospect of being
35 returned to his or her home which leads the officer to believe there
36 is a possibility that the child is experiencing some type of abuse or
37 neglect;

38 (ii) It is not practical to transport the child to his or her
39 home or place of the parent's employment; or

1 (iii) There is no parent available to accept custody of the
2 child; or

3 (c) After attempting to notify the parent, if a crisis
4 residential center is full, not available, or not located within a
5 reasonable distance, request the department of (~~social and health~~
6 ~~services~~) children, youth, and families to accept custody of the
7 child. If the department of (~~social and health services~~) children,
8 youth, and families determines that an appropriate placement is
9 currently available, the department of (~~social and health services~~)
10 children, youth, and families shall accept custody and place the
11 child in an out-of-home placement. Upon accepting custody of a child
12 from the officer, the department of (~~social and health services~~)
13 children, youth, and families may place the child in an out-of-home
14 placement for up to seventy-two hours, excluding Saturdays, Sundays,
15 and holidays, without filing a child in need of services petition,
16 obtaining parental consent, or obtaining an order for placement under
17 chapter 13.34 RCW. Upon transferring a child to the department of
18 (~~social and health services'~~) children, youth, and families'
19 custody, the officer shall provide written documentation of the
20 reasons and the statutory basis for taking the child into custody. If
21 the department of (~~social and health services~~) children, youth, and
22 families declines to accept custody of the child, the officer may
23 release the child after attempting to take the child to the
24 following, in the order listed: The home of an adult extended family
25 member; a responsible adult; or a licensed youth shelter. The officer
26 shall immediately notify the department of (~~social and health~~
27 ~~services~~) children, youth, and families if no placement option is
28 available and the child is released.

29 (2) An officer taking a child into custody under RCW
30 43.185C.260(1)(c) (~~or (d)~~) shall inform the child of the reason for
31 custody. An officer taking a child into custody under RCW
32 43.185C.260(1)(c) may release the child to the supervising agency,
33 may return the child to the placement authorized by the supervising
34 agency, or shall take the child to a designated crisis residential
35 center (~~'s secure facility. If the secure facility is not available,~~
36 ~~not located within a reasonable distance, or full, the officer shall~~
37 ~~take the child to a semi-secure crisis residential center. An officer~~
38 ~~taking a child into custody under RCW 43.185C.260(1)(d) may place the~~
39 ~~child in a juvenile detention facility as provided in RCW 43.185C.270~~
40 ~~or a secure facility, except that the child shall be taken to~~

1 ~~detention whenever the officer has been notified that a juvenile~~
2 ~~court has entered a detention order under this chapter or chapter~~
3 ~~13.34 RCW).~~

4 (3) Every officer taking a child into custody shall provide the
5 child and his or her parent or parents or responsible adult with a
6 copy of the statement specified in RCW 43.185C.290(6).

7 (4) Whenever an officer transfers custody of a child to a crisis
8 residential center or the department of ~~((social and health~~
9 ~~services))~~ children, youth, and families, the child may reside in the
10 crisis residential center or may be placed by the department of
11 ~~((social and health services))~~ children, youth, and families in an
12 out-of-home placement for an aggregate total period of time not to
13 exceed seventy-two hours excluding Saturdays, Sundays, and holidays.
14 Thereafter, the child may continue in out-of-home placement only if
15 the parents have consented, a child in need of services petition has
16 been filed, or an order for placement has been entered under chapter
17 13.34 RCW.

18 (5) The department of ~~((social and health services))~~ children,
19 youth, and families shall ensure that all law enforcement authorities
20 are informed on a regular basis as to the location of all designated
21 secure and semi-secure facilities within centers in their
22 jurisdiction, where children taken into custody under RCW 43.185C.260
23 may be taken.

24 **Sec. 17.** RCW 2.56.032 and 2016 c 205 s 19 are each amended to
25 read as follows:

26 (1)(a) To accurately track the extent to which courts order youth
27 into a secure detention facility in Washington state for the
28 violation of a court order related to a truancy, at-risk youth, or a
29 child in need of services petition, all juvenile courts shall
30 transmit youth-level secure detention data to the administrative
31 office of the courts.

32 (b) Data may either be entered into the statewide management
33 information system for juvenile courts or securely transmitted to the
34 administrative office of the courts at least monthly. Juvenile courts
35 shall provide, at a minimum, the name and date of birth for the
36 youth, the court case number assigned to the petition, the reasons
37 for admission to the juvenile detention facility, the date of
38 admission, the date of exit, and the time the youth spent in secure
39 confinement.

1 (c) Courts are also encouraged to report individual-level data
2 reflecting whether a detention alternative, such as electronic
3 monitoring, was used, and the time spent in detention alternatives.

4 (d) The administrative office of the courts and the juvenile
5 court administrators must work to develop uniform data standards for
6 detention.

7 (2) The administrative office of the courts shall deliver an
8 annual statewide report to the legislature that details the number of
9 Washington youth who are placed into detention facilities during the
10 preceding calendar year. The first report shall be delivered by March
11 1, 2017, and shall detail the most serious reason for detention and
12 youth gender, race, and ethnicity. The report must have a specific
13 emphasis on youth who are detained for reasons relating to a truancy,
14 at-risk youth, or a child in need of services petition. The report
15 must:

16 (a) Consider the written findings described in RCW
17 7.21.030(2)(e)(ii)(B), and provide an analysis of the rationale and
18 evidence used and the less restrictive options considered;

19 (b) Monitor the utilization of alternatives to detention;

20 (c) Track trends in the use of at-risk youth petitions;

21 (d) Track trends in the use of secure residential programs with
22 intensive wraparound services; and

23 (e) Track the race and gender of youth with at-risk petitions.

24 NEW SECTION. Sec. 18. The following acts or parts of acts are
25 each repealed:

26 (1) RCW 43.185C.270 (Youth services—Officer taking child into
27 custody—Placing in detention—Detention review hearing—Hearing on
28 contempt) and 2015 c 69 s 15; and

29 (2) 1998 c 296 s 35 (uncodified).

30 NEW SECTION. Sec. 19. Except for sections 4, 5, 6, 8, 9, 12,
31 and 14 of this act, this necessary for the immediate preservation of
32 the public peace, health, or safety, or support of the state
33 government and its existing public institutions, and takes effect
34 July 1, 2019.

35 NEW SECTION. Sec. 20. Sections 4, 8, and 12 of this act take
36 effect July 1, 2020.

1 NEW SECTION. **Sec. 21.** Sections 5 and 14 of this act take effect
2 July 1, 2021.

3 NEW SECTION. **Sec. 22.** Sections 6 and 9 of this act take effect
4 July 1, 2023.

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